

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

**JENNIFER JOHNSON**  
**Plaintiff,**

**v.**

**DIMENSION SERVICE CORPORATION**  
**Defendant.**

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**CASE NO.: 2:21-CV-02444**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1331, 1367, 1441, and 1446, Defendant Dimension Service Corporation (“Defendant”), hereby removes this action from Franklin County, Ohio to the United States District Court for the Southern District of Ohio. This Court has jurisdiction based on federal question jurisdiction, 28 U.S.C. § 1331, and supplemental jurisdiction pursuant to 28 U.S.C. §1367. Pursuant to 28 U.S.C. § 1446(a), the grounds for removal are as follows:

**I. BACKGROUND**

1. Plaintiff Jennifer Johnson (“Plaintiff”) filed a Class Action Complaint (“Complaint”) in the Common Pleas Court of Franklin County, Ohio, entitled *Jennifer Johnson v. Dimension Service Corporation*, on April 12, 2021, Case No. 21 CV 002253, (the “State Court Action”). See Exhibit A, Complaint.

2. The Complaint seeks relief pursuant to the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. (the “TCPA”).

3. By filing this Notice of Removal, Defendant does not waive and specifically reserves any and all defenses, exceptions, rights, and motions with respect to the claims asserted in the Complaint. No statement or omission in this Notice shall be deemed an admission of any of the allegations of or relief sought in the Complaint.

4. As set forth below, this case is properly removed to this Court based on federal question.

**II. THIS COURT HAS JURISDICTION UNDER 28 U.S.C. §1331 AND 28 U.S.C. §1367(a).**

5. This Court has original jurisdiction over this action under 28 U.S.C. § 1331, which provides: “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

6. Pursuant to 28 U.S.C. § 1441(b), “[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties.”

7. Specifically, this Court has original jurisdiction of this action because Plaintiff’s allegations arise under the TCPA.

**III. ALL OTHER PROCEDURAL REQUISITES FOR REMOVAL ARE SATISFIED.**

8. Pursuant to 28 U.S.C. § 1441(a), removal to this Court is appropriate because the State Court Action is currently pending in the Franklin County Court in Ohio, which is located within the geographical boundaries of the United States District Court for the Southern District of Ohio.

9. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon Defendant in the State Court Action are attached hereto as Exhibit A.

10. This Notice of Removal is timely filed with this Court within thirty (30) days of receipt of the Complaint through service as required by 28 U.S.C. § 1446(b) because this Notice of Removal is being filed within thirty (30) days from the date of the filing of the Complaint.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant has promptly given written notice to Plaintiff by contemporaneously serving this Notice of Removal on counsel for Plaintiff, and Defendant has filed a Notice of Removal with the Franklin County Court.

12. This case is not precluded from being removed under 28 U.S.C. § 1445 because: (a) it is not brought against a railroad or its receivers or trustees, arising under 45 U.S.C. 51–54, 55–60; (b) it is not brought against a carrier or its receivers or trustees to recover damages for delay, loss or injury of shipments arising under section 11706 or 14706 of title 49; (c) it does not arise under the workmen’s compensation laws; and (d) it does not arise under Section 40302 of the Violence Against Women Act of 1994.

WHEREFORE, Defendant Dimension Service Corporation respectfully requests that the above-captioned action now pending in Franklin County, Ohio, be removed to the United States District Court for the Southern District of Ohio and that this District Court enter such other and further orders as may be necessary to accomplish the requested removal.

Dated: May 12, 2021

Respectfully submitted,

/s/Helen Mac Murray

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*Counsel for Dimension Service Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of May, 2021, a true and correct copy of the foregoing Notice of Filing of Notice of Removal was served via electronic mail on the following:

Beau D. Hollowell at [bhollowell@karonllc.com](mailto:bhollowell@karonllc.com)  
Daniel Karon at [dkaron@karonllc.com](mailto:dkaron@karonllc.com)  
Counsel for Plaintiff

s/ Helen Mac Murray  
Helen Mac Murray (0038782)